IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO. 340 OF 2004
IN
SUIT NO.358 OF 1985

The Board of Trustees of the Port
of Bombay .. Appellant

v/s.

1. M/s. Shiva Paper Mills Limited
& ors. .. Respondents

Mr.U.J.Makhija i/by M/s. Mulla & Mulla for appellant.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 6th September, 2004

P.C.

Heard Mr.U.J.Makhija, the learned counsel for the appellant and perused the impugned order.

2. The learned trial Judge in para 5 of the impugned order observed thus-

> "5. The proposed amendment does not add to the claim made in the prayers and the over all liability of the defendants is not at all increased or enhanced. Whether the Plaintiffs succeed in proving their claim of damages against the Defendant No.2 to the extent of the proposed amendment is a totally different aspect. Therefore, proposed amendment si allowed. Plaintiffs to amend the Plaint within three weeks. Amended copy to be served on the Defendants within two weeks thereafter. The Defendants will be entitled for consequential amendments in the written statements within two weeks thereafter.
> Put up after seven weeks."

3. We do not find any infirmity in the order warranting interference by us in the appeal. The defendants shall be at liberty to contest the amended plaint on merits.

4. Dismissed in limine.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)